

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

The claim objections have been obviated herein by amendment.

Claims 9, 10, and 22 and 23 stand rejected under 35 USC 112, second paragraph as being indefinite. Claim 9 is amended into independent form herein, which obviates the indefiniteness.

Claims 1 and 37 (as well as certain dependent claims) were rejected under 35 USC 102(a) as allegedly being unpatentable over PCT Publication WO 02/25311. In response, the limitations of Claim 30 have been included into Claim 1, and Claim 30 is canceled herein. Similar limitations have been included into Claim 37.

Claim 30 was rejected over PCT Publication WO 02/25311 in view of O'kane, SR. et al. This contention is respectfully traversed. The rejection uses the reference O'kane, SR. et al. to show that plastics can include polyethylene. While of course, applicants agree that polyethylene is known, applicants disagree with the basic contention that O'kane, SR. et al. could be combined with Freund et al., or even that the hypothetical combination would show using polyethylene as claimed. First of all, note the specific scope and contents of Freund et al. Freund et al. teaches that the reflector 5 is formed "from epoxy

resin treated with titanium dioxide". See column 4 lines 12-13. The use of epoxy resin is certainly not a "plastic" as suggested by the official action. Since O'kane, SR. et al. is simply cited for the proposition that plastic can include polyethylene. It is respectfully suggested that even assuming the hypothetical combination could be made, it would still not teach anything about modifying Freund et al. to include polyethylene. Freund et al. suggests using epoxy resin, not polyethylene or even plastic.

Moreover, those having ordinary skill in the art would understand that epoxy resin has very different characteristics than polyethylene.

Moreover, the teaching in O'kane, SR. et al. is wholly non-analogous with the teaching of Freund et al. MPEP 2141.01(a) explains that relying on a reference under 103(a) requires that the reference be analogous prior art to that of the primary reference. In order for our reference to be analogous, the reference "must either be in the field of applicants endeavor or if not then be reasonably pertinent to the particular problem with which the inventor was concerned". With all due respect, while O'kane, SR. et al. does refer to radioactive material for gamma cameras, the field to which O'kane, SR. et al. is directed is wholly non-analogous to that of Freund et al. Freund et al. relates to a gamma camera. O'kane, SR. et al. relates to a carrying case for radioactive material. A person having

ordinary skill in the art would not believe that there was any relevance to the shielding of a carrying case relative to the shielding of scintillators in a gamma camera. Therefore, the teaching of O'kane, SR. et al. is wholly non-analogous with the teaching in Freund et al., and therefore, the references would not be combined by a person having ordinary skill in the art. Accordingly, Claim 1, now including the limitations of Claim 30 therein, should be allowable along with the claims that depend therefrom.

Certain dependent claims should be additionally allowable. For example, claim 31 defines titanium oxide as an additive to the polyethylene, to make it whiter. Claim 24 defines a scintillator material added to the polyethylene. None of these are taught or suggested by the cited prior art.

Claim 31 was rejected further over PCT Publication Number WO 02/25311 in view of O'kane, SR. et al., but there is absolutely no teaching in O'kane, SR. et al. of adding a scintillator material to the polyethylene. In fact, such would be nonsense in the context of a bag used for shielding radioactive material.

Claim 9 is amended into independent form herein. As amended, Claim 9 defines at least one air gap between the wall of the preformed reflector and a surface of the scintillator material. As explained in the specification, this produces the

advantage that there can be better reflection, in fact total internal reflection, from the device.

This claim was rejected over PCT Publication WO 02/25311 in view of DiBianca et al. In fact, DiBianca et al. does teach an xray detector. In the figure 5 embodiment, there is a gap between the scintillator material on the walls. DiBianca et al., however, describes that the reason for this is to protect against edge effects from the x-ray detection. Column 9 lines 5-11 describe that bonding material be shielded from the flux which could be cause it to become weak and brittle. There is no actual teaching or suggestion of a gap, even though a gap is shown in figure 5. However, a person having ordinary skill in the art would obtain no guidance from DiBianca et al. as a whole about why such a gap should be formed. The question is not whether DiBianca et al. shows a gap, clearly figure 5 of DiBianca, et al. does show such a gap, although no reason for the gap is given. Since no reason for the gap is given in DiBianca, et al., DiBianca, et al. provides no guidance that could be applied to modify PCT Publication WO 02/25311. The suggestion to modify PCT Publication WO 02/25311 to include such a gap is purely based on hindsight, since there is absolutely no teaching in DiBianca et al. that suggests doing this.

Moreover, DiBianca et al. teaches a solid-state detector, with special collimator plates. It teaches nothing about anything that could be used with a preformed reflector of this

or any other type. Therefore, Claim 9 should be allowable for these reasons.

Claim 44 has been amended in a similar way and should be allowable for analogous reasons.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants ask that all claims be allowed. Please apply the \$100 extra claim fee, the \$510 3 month extension of time fee, and any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

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/Scott C. Harris/
Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

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